

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GT EXPEDITED, INC.,)	
)	Case No. 18 CV 5453
Plaintiff,)	
)	
v.)	
)	
KING’S EXPRESS INC., and)	
DENNIS McCORMICK,)	
INFINITY LOGISTICS, INC.)	
)	
Defendants.)	

**PLAINTIFF’S MOTION FOR JUDGMENT ON THE ANSWER OF THIRD
PARTY CITATION RESPONDENT AND TURNOVER OF FUNDS**

NOW COMES the Plaintiff, GT Expedited, Inc., by and through its attorneys, Sullivan Hincks & Conway, and GT Expedited hereby moves this Honorable Court for an Order of Judgment on the Answer of Third Party Citation Respondent, Wells Fargo Bank, N.A., and for Turnover of Funds. In support, GT Expedited states as follows:

1. On December 21, 2018, Judgment was entered in this Court in favor of the Plaintiff, GT Expedited, and against, as relevant here, Kings Express, Inc., in the total amount of \$70,881.99. See Exhibit A [Docket 15]. There is now due, less credit and off-set, the sum of \$70,881.99 from King’s Express, Inc. (Judgment Balance against Kings Express, Inc.).

2. A Citation to Discover Assets was served on Third Party Wells Fargo Bank, N.A. (hereinafter “Wells Fargo”) on December 26, 2018, and a Notice of Citation was mailed via first class mail to Kings Express, Inc. c/o its President at its last known address. See Citation, Notice and Certificate of Mailing, attached hereto as Exhibit B.

3. Wells Fargo served its Answer, received on January 8, 2019, indicating that Wells Fargo is in possession of non-exempt funds belonging to Kings Express, Inc. and indicating that \$141,763.98 in a checking account was being withheld. *See* Wells Fargo's Answer, attached hereto as Exhibit C.

4. Supplementary proceedings to enforce a judgment are governed by Federal Rule of Civil Procedure 69(a) which provides that a district court is to use state procedure governing the execution of any such judgment. Fed. R. Civ. P. 69(a).

5. Section 5/2-1402 of the Illinois Code of Civil Procedure provides that when assets of a judgment debtor not exempt from the satisfaction of a judgment are discovered, a court may enter an order or judgment compelling the person cited to deliver said assets. 735 ILCS 5/2-1402.

6. As such, the Plaintiff is entitled to the non-exempt property of Kings Express, Inc., the Judgment Debtor, in full satisfaction of the Judgment Balance remaining due.

WHEREFORE, the Plaintiff, GT Expedited, Inc., respectfully requests that this Court enter a Judgment on its Third Party Citation and order Third Party Citation Respondent, Wells Fargo, to turnover to Plaintiff in full satisfaction of the judgment, the property of judgment debtor, Kings Express, Inc., in the amount of \$70,881.99, and for such other relief that this Court deems just and proper.

Respectfully submitted,
GT EXPEDITED, INC.

By: /s Matthew P. Barrette
One of Its Attorneys

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